

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHEL PAYNE,)	
)	
Plaintiff,)	8:06CV686
)	
v.)	
)	
PETER KIEWIT SONS', INC.,)	ORDER
)	
Defendant.)	
)	

This matter is before the court on the plaintiff's Response to the Court's Order to Show Cause (Filing No. 51). The plaintiff filed a timely response to the court's order and, while not clearly identifying why he failed to appear at the April 25, 2007 planning conference, has established sufficient cause to avoid dismissal of his case for lack of prosecution. Therefore, the parties planning conference will be rescheduled for **May 25, 2007 at 9:30 a.m.** in Courtroom Number 7. If the plaintiff fails to appear at this conference, this case will be dismissed for failure to prosecute without further warning.

IT IS SO ORDERED.

DATED this 7th day of May, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge